

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7398

BILL NUMBER: HB 1310

DATE PREPARED: Jan 5, 1999

BILL AMENDED:

SUBJECT: Aggravating circumstances for murder sentences.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill adds to the aggravating circumstances that may be considered in the imposition of the death sentence or a sentence of life imprisonment without parole for murder the circumstance that the victim of the murder was an emergency medical person and: (1) the emergency medical person was acting in the course of duty; or (2) the murder was motivated by an act the emergency medical person performed while acting in the course of duty.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill adds another provision under which the death sentence or a sentence of life imprisonment without parole (LIWP) may be prosecuted. There are currently 40 persons serving LIWP and 44 persons under the death penalty in Indiana. (Death penalty case appeals may involve expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: Local expenditures may increase if more death penalty cases are filed due to this provision. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs are further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction.